

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-22 are pending. Claims 1 and 8 are amended, and claims 21 and 22 are added. Claims 1 and 8 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**The Drawings**

It is gratefully appreciated that the Examiner has accepted the drawings.

**Restriction Requirement**

Since the Examiner has examined each of claims 1-20, the Applicants assume the Restriction Requirement has been withdrawn.

**Rejections Under 35 U.S.C. §§102(b) and 103(a)**

Claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Parsons (U.S. 3,237,716);

claims 6-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parsons in view of Tsuruta et al. (U.S. 6,530,443); and

claims 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parsons in view of Inoue et al. (U.S. 6,537,338).

These rejections are respectfully traversed.

**Amendments to Independent Claims 1 and 8**

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, each of independent claims 1 and 8 are amended herein to recite a novel combination of features, including *inter alia*

an attachment member attached to an inner-peripheral face of the heat insulator, the attachment member being formed with a single curved arc-shaped contact portion and a pair of attachment portions, the attachment portions being formed on outward sides of the arc-shaped contact portion in a radial direction thereof so as to allow distance therebetween for attaching the attachment member to the inner-peripheral face of the heat insulator, an inner-peripheral face of the arc-shaped contact portion of the attachment member contacting an outer-peripheral face of the exhaust pipe.

The combination of elements set forth in each of independent claims 1 and 8 can be seen in FIG. 6, which clearly illustrates, for example, a single curved arc-shaped contact portion 46 and a pair of attachment portions 48, the attachment portions 48 being formed on outward sides of the arc-shaped contact portion 46.

The Applicants respectfully submit that the combination of features set forth in each of independent claims 1 and 8 is not disclosed or made obvious by the prior art of record, including Parsons.

In contrast to the present invention, as can be seen in Fig. 2 of Parsons, this document merely discloses a leg 19 connected to a foot 20 on each side of the baffle 17.

Therefore, Parsons fails to disclose all elements of the claimed invention.

At least for the reasons described above, the Applicants respectfully submit that the novel combination of features set forth in each of independent claims 1 and 8 is not disclosed or made obvious by the prior art of record, including Parsons.

Therefore, independent claims 1 and 8 are in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

### **Dependent Claims**

The Examiner will note that dependent claims 21 and 22 have been added to set forth additional novel features of the present invention. All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

For example, each of dependent claims 21 and 22 recite “attachment portions are appropriately curved in accordance with shapes of attachment positions in the inner-peripheral face of the heat insulator, so that an entire face of each of the attachment portions comes into contact with the inner-peripheral face of the heat insulator”.

The Examiner asserts that legs 19 teach attachment portions of the present invention. However, legs 19 do not teach the novel features of added dependent claims 21 and 22.

All claims of the present application are in condition for allowance.

*Application No.: 10/815,773  
Amendment dated September 5, 2006  
Reply to Office Action dated June 5, 2006*

*Docket No.: 0649-1007PUS1  
Art Unit: 3748  
Page 12 of 12*

**CONCLUSION**

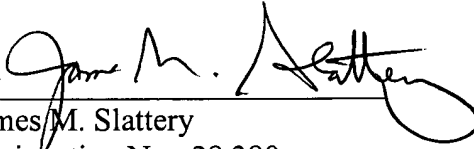
It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Dated:

Respectfully submitted,

By   
James M. Slattery  
Registration No.: 28,380  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000

JMS/CTT/kj/gf 